

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:07-MC-84-GCM**

<b>TITLE 11 HOLDINGS, LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
<b>v.</b>	)	<b>ORDER</b>
	)	
<b>FIDELITY CAPITAL APPRECIATION</b>	)	
<b>FUND,</b>	)	
<b>BANK OF AMERICA, NA</b>	)	
<b>Defendants.</b>	)	
	)	

**THIS MATTER** is before the Court on its own motion. An evidentiary hearing is hereby scheduled for **February 5, 2008 at 10:00 a.m.** Plaintiff is directed to show such evidence that Defendant Bank of America is the successor in interest of National Westminster Bank, USA.

**IT IS SO ORDERED.**

Signed: January 28, 2008



Graham C. Mullen  
United States District Judge

